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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,695	07/15/2003	Chris Roach		7139
7590	09/21/2004		EXAMINER	
Kenneth L. Tolar 808 N. Causeway Blvd. Metairie, LA 70001			CAMPBELL, THOR S	
			ART UNIT	PAPER NUMBER
				3742
DATE MAILED: 09/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/619,695	ROACH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thor S. Campbell	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                          2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6-8 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/15/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

DETAILED ACTION

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Krichton (US 2769878).

Krichton discloses In combination with a pot having a bottom surface with a cylindrical outer wall extending therefrom, the cylindrical wall having an upper edge, an electric cooking apparatus comprising a housing , a heating element attached to said housing; means for removably securing said housing to the upper rim of said pot, further comprising a safety switch means for selectively activating said heating element whenever said heating element is mounted to said pot upper rim, wherein said safety switch means comprises a lever hingedly attached to said housing, said lever having an engagement member thereon', a spring-biased actuator mounted on said housing and electrically connected to said heater, said actuator in a first position when said housing is detached from said pot to disable said heating element, said lever pivoting when said housing is mounted on said pot to thrust said engagement member against said actuator thereby displacing said actuator to a second position to enable said heating, wherein said heating element includes an upper portion, a vertical portion depending from said upper portion, and a horizontal portion extending from said vertical portion.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichton in view of Elkins (US 3737621).

Krichton discloses the claimed invention except the cover having opposing slots for receiving the upper edge of the pot. Elkins discloses a heating device with a tank, and a heater positioned on the rim of said tank, said heater having opposing slots for receiving the upper edge of the pot. It would have been obvious to one of ordinary skill in the art at the time the invention was made, in view of Elkins, to modify the device of Krichton to include opposing slots for receiving the upper edge of the pot as a means for preventing the heating element from contacting the pot accidentally and for providing a more accurate location of the heating device on the pot.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichton in view of Wang (US 6759634).

Krichton discloses the claimed invention except the magnetic electrical coupling. Magnetic electrical couplings are well known in the art, as evidenced by Wang. Wang discloses an electric fryer having a magnetic coupling for coupling electric power to the heating elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made,

in view of Wang, to modify the device of Krichton to include a magnetic coupling since it was well known in the art to use such means for connecting in order to secure a good connection that is easily disconnected for storage.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichton in view of Olson (US 3234905).

Krichton discloses the claimed invention except the lid over the rim of the pot, and having a notch to receive the heating device cover. Olson discloses a heating device with a tank, and a heater positioned on the rim of said tank, a lid/top/cover for the tank having a notch to receive the heating device cover. It would have been obvious to one of ordinary skill in the art at the time the invention was made, in view of Olson, to modify the device of Krichton to include a notched cover in order to prevent splattering of oil during cooking.

#### *Allowable Subject Matter*

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Landgraf (US 2576688) discloses a device similar to applicant's invention. Supplee (US 1117277) discloses a heating apparatus having an adjustable bracket attached to said housing for suspending the lower portion of the heating element at any depth within a pot, however the combination of the Supplee, and Krichton would destroy the method of operation of the Krichton device since the Krichton device is designed to rest on the lip of the pot and not be suspended by such a bracket. The addition of the bracket of Supplee would cause the switch of

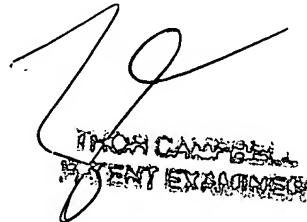
Krichton to prevent operation of the heating element if the heater was suspended at any other depth.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thor S. Campbell whose telephone number is 703-306-9042. The examiner can normally be reached on Tue-Fri 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSC  
8/4/04



THOR S. CAMPBELL  
PATENT EXAMINER